

### Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claims 12-22 are amended. The amendments are supported by the original disclosure, for example page 1, lines 7-8; and page 5, lines 20-26. New claims 23-33 are added. The new claims are supported by the original disclosure, for example page 1, lines 7-8; page 3, lines 5-30; and page 5, lines 20-26. No new matter has been added. Claims 12-33 are pending.

### Specification objections

The disclosure is objected to for a number of informalities identified by the Examiner. A substitute specification is enclosed, along with a marked-up copy showing changes made. The items noted by the Examiner have been corrected in an appropriate manner. With respect to the trademark MAKROLON, MAKROLON is a polycarbonate resin as evidenced by:

[http://www.bayermaterialsciencenafta.com/products/index.cfm?mode=grades&pp\\_num=EB7C62AC-E8E9-D162-656528E6FA359126](http://www.bayermaterialsciencenafta.com/products/index.cfm?mode=grades&pp_num=EB7C62AC-E8E9-D162-656528E6FA359126)). Therefore, the specification has been amended where appropriate to recite "a polycarbonate such as MAKROLON". No new matter has been added in the substitute specification.

### Claim objections

Claim 22 is objected to for an informality. Claim 22 has been amended in the manner suggested by the Examiner.

### 35 USC 112, 2nd paragraph rejections

Claims 12, 13 and 18-21 are rejected as being indefinite for the reasons noted in the office action. The claims have been extensively revised to improve their form and to remove the issues raised in the office action. In particular, the language referring to examples and preferences has been removed.

With respect to the language "irreversibly variable", Applicant respectfully submits that this language is definite. As indicated in original claim 18, the refractive index of the protective coating is variable. Once the refractive index is varied, the

variation cannot be reversed, i.e. it is irreversible. Hence, the language “irreversibly variable” is believed to be accurate. Applicant appreciates the suggestion by the Examiner regarding the use of the term “adjustable”. However, Applicant does not believe that the term “adjustable” best conveys the concept being claimed.

The claims are believed to be definite. Withdrawal of the rejections is requested.

#### Art rejections

Claims 12 and 20 are rejected under 35 USC 102(b) as being anticipated by US 6245382 to Shvartsman.

In addition, claims 16-19, 21 and 22 are rejected under 35 USC 102(b) as being anticipated by Shvartsman or in the alternative under 35 USC 103(a) as being obvious in view of Shvartsman.

In addition, claims 13-15 are rejected under 35 USC 103(a) as being obvious in view of Shvartsman and WO97/48774 to Araki et al.

Shvartsman does not teach an identity document as recited in claim 12 with an identity document substrate and a protective coating secured to the substrate, wherein the protective coating is less than 1/50 mm thick and has been deposited on the substrate out of the gas and/or plasma phase wherein the protective coating is not secured to the substrate by adhesive.

Shvartsman teaches a protective coating 16 for a card 18. The coating 16 includes a protective layer 13, an adhesive layer 14 used to adhere the protective layer 13 to the card substrate 15/18, and a release layer 12 which allows the protective layer 13 to release from a carrier 11 during lamination (column 4, lines 51-67; column 5, lines 51-53; column 12, lines 56-58; column 19, lines 55-63). Therefore, Shvartsman discloses use of an adhesive layer to adhere the protective layer to the card substrate.

In contrast, the protective coating recited in claim 12 is deposited on the substrate out of the gas and/or plasma phase so that the protective coating is not secured to the substrate by adhesive. The prior art of record fails to teach or suggest such a protective coating.

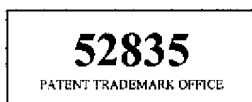
For at least this reason, claim 12 is patentable over Shvartsman. Claims 13-22 depend from claim 12 and are patentable along with claim 12 and need not be separately

addressed. Applicant does not concede the rejections to claims 13-22, and specifically traverses the assertions that certain claimed features of claims 13-22 are inherent in Shvartsman.

New claims 23-33

New claims 23-33 are also patentable over Shvartsman and the other prior art of record.

In view of the above, Applicants believe that the claims are allowable. Favorable reconsideration in the form of a Notice of Allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned at (612) 455-3805.

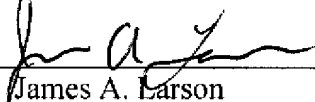


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Respectfully submitted,

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